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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,969	09/16/2000	Robert Antonacci	865-002u	4464
7590	11/24/2003		EXAMINER	
SOFER & HAROUN L.L.P. 317 MADISON AVENUE SUITE 910 NEW YORK, NY 10017			JONES, DAVID	
			ART UNIT	PAPER NUMBER
			2622	
			DATE MAILED: 11/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/664,969	ANTONACCI ET AL.
Examiner	Art Unit	
David L Jones	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-50 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 September 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “235” has been used to designate both 235 and 240 in figure 13. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “1705” has been used to designate both 1705 and 1720 in figure 15. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “1820” has been used to designate both 1810 and 1820. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “22” has been used to designate both 21 and 22 in figure 2a and 2b. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: fig. 1, #138; fig. 10, #1035; fig. 11, #21a, #21b; fig. 13, #210, #220, #230. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: fig. 9, #970; fig. 10a & 10b; fig. 16, #1825. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to because in figure 13 many items are incorrectly labeled according to their respective labels in the specification; figure 15 items #1725a and #1725b are mislabeled according to specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

8. The disclosure is objected to because of the following informalities: page 37, line 1, figure 14 mislabeled figure 16.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3, 17-19, 21-23, 31, 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kara U.S. Patent 6,088,695.

Regarding claim 1, Kara discloses a system (fig. 1, #10) comprising: a facsimile device (#124) configured to transmit a code-associated information material (#100B); an interactive user device (#120); a processor coupled to said interactive user device via Internet (column 8, lines 26-31) and to said facsimile device via a public-switched telephone network (#171), wherein said processor is further configured to receive from said facsimile device a transmission of said code-associated information material, and to provide to an authorized user of said interactive user device upon request said information material.

Regarding claims 2, 18, 22, and 38, Kara discloses a system wherein said information material is a medical record (fig 1, 100A; column 4, lines 30-36).

Regarding claims 3, 19, 23, and 39, Kara discloses a system wherein said code-associated information material comprises a medical record having a barcode associated therewith (fig. 1, 100A to 100B; column 4, lines 48-50).

Regarding claim 17, Kara discloses a system (fig. 1, #10) comprising: a processor (#120) comprising: means for receiving a facsimile from a facsimile device (#124); means for receiving a telephone call from a telephone, wherein said processor is coupled to said facsimile device and to said telephone (#125) via a public-switched telephone network (#172), wherein said processor is configured to receive from said facsimile device a transmission of a code associated information material (#100C), and, upon a request received via said telephone, to transmit said code-associated information material to a user designated facsimile device (column 5, lines 58-67; column 6, lines 1-15).

Regarding claim 21, Kara discloses a method comprising the steps of: associating a code with an information material (fig. 1, #100B); transmitting with a facsimile device (#120) said code-associated information material to a processor via a public-switched telephone network (#170); receiving at said processor (#130) said transmission of said code-associated information materials, and providing said information material to an authorized user via Internet at said interactive user device in response to a request received therefrom (column 8, lines 26-31).

Regarding claim 37, Kara discloses a method comprising the steps of: associating a code with an information material (fig. 1, #100B); transmitting via a facsimile device (#120) said code-associated information material to a processor via a public-switched telephone network

(#170); receiving at said processor said transmission of said code-associated information materials, and providing said code-associated information material to an authorized user at a user designated facsimile device at in response to a request received via telephone (column 5, lines 58-67; column 6, lines 1-15).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4, 5, 20, 24, 25, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara as applied to claims 1-3, 17-19, 21-23, 29, 37-39 above, and further in view of Lake et al. UK Patent 2,244,625A.

Regarding claims 4, 24, and 40, Kara discloses a medical system that includes a barcoded Material, but does not explicitly disclose a fax coversheet with barcoded material thereon. Whereas, Lake et al. discloses a fax coversheet with barcoded material on a fax coversheet to be sent to a specified recipient (page 5, lines 1-6). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to utilize the fax coversheet discloses by Lake et al. in the system disclosed by Kara to help maintain the security of information.

Regarding claims 5, 20, and 25, Kara and Lake et al. both disclose a system that comprises a barcode generation within their systems, but do not explicitly disclose a barcode generator. Although, it would have been obvious to one skilled in the art at the time the

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invention was made that to have barcode generation one must have a barcode generator, Kara (column 4, lines 48-50) and Lake et al. (page 5, lines 1-10) both utilize software to accomplish same.

Regarding claim 41, Kara teaches a process that allows for interaction with a medical record via the internet (column 8, lines 26-31), a process whereby a facsimile document is used for registering patients in a system (column 4, lines 63-67; column 5, lines 1-5) wherein medical records are faxed via a public-switched telephone network to a processor and are accessible for display to users authorized by said patient, said transmission paper comprising: a barcode configured to be appended to a patient's medical record for fax transmission to said system; patient access information which enables said user authorized by said patient to access and display said medical record via Internet (column 8, lines 26-31).

13. Claims 6-9, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara and Lake et al. as applied to claims 1-5, 17-23, 25, 31, 37-41 above, and further in view of Feinberg U.S. Patent 6,082,776.

Regarding claims 6 and 26, Kara and Lake et al. disclose a system of utilizing a barcode within their systems, Kara and Lake et al. do not disclose a barcode reader. Lake discloses that there is a computer system connected to the facsimile machine, which has a set of programs that provide the facility for reading the coded document. Whereas, Feinberg, discloses a translator program that changes the barcoded information back into a human readable format (column 7, lines 15-19). Therefore, it would have been obvious to one skilled in the art at the time the

invention was made that to be able to read an incoming document to include the disclosed translator program in the Kara system.

Regarding claims 7 and 27, Kara teaches that the coded information is specific to a particular patient (column 2, lines 43-44) and Lake et al. teaches that a printed coding is unique identification of the intended recipient, neither disclose a specific identification associated with a patient. Feinberg teaches the use of an identification number (fig. 4) associated with a particular patient (see ID at top of form).

Regarding claims 8 and 28, Kara teaches authentication of data unique to each patient (column 2), lines 43-44), and Lake et al. teaches that a printed coding is unique identification of the intended recipient, neither explicitly discloses authentication data that corresponds to a particular patient. Whereas, Feinberg teaches that it will provide password protection access for privacy and confidentiality (column 6, lines 38-42), and therefore it would have been obvious to one skilled in the art at the time the invention was made that part of the authentication process shall include the unique identification number from figure 4 of Feinberg.

Regarding claim 9 and 29, Kara (column 5, lines 6-10), Lake et al. (page 7, lines 23-25) and Feinberg (column 7, lines 1-14) all teach a comprising a storage means for storing said information materials, wherein said processor is further configured to store said information materials in a storage location corresponding to said coded information material.

14. Claims 10-16, 30-36, 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kara, Lake et al, and Feinberg as applied to claims 1-9, 17-29, 31, 37-41 above, and further in view of Schoenberg U.S. Patent 6,463,417.

Regarding claims 10 and 30, Kara (column 5, lines 6-10), Lake et al. (page 7, lines 23-25) and Feinberg (column 7, lines 1-14) all teach a comprising a storage means for storing said information materials, wherein said processor is further configured to store said information materials in a storage location corresponding to said coded information material. Whereas, Schoenberg discloses a system that allows for storage of security information (column 5, lines 10-18) on all levels specified by the patient within the system. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow for the added security feature disclosed by Schoenberg in the Kara application for higher levels of security.

Regarding claims 11 and 31, Kara discloses that the coded information can be further encrypted in addition to being coded (column 4, lines 60-62).

Regarding claims 12, 15, 32, and 35, Kara (column 4, lines 60-62), Lake et al. (page 8, lines 10-14) discloses that the material may further be encrypted after being coded, and then stored, but does not explicitly disclose an encryption information data module; Feinberg does not disclose the ability to encrypt the information. Whereas, Schoenberg discloses many levels of security is possible, (column 5, lines 10-18) through software that encrypts or decrypts as required (column 4, lines 39-42). It would have been obvious to one skilled in the art at the time the invention was made that to allow for encryption or decryption it is implied that there is an encryption information data module.

Regarding claims 13 and 33, Kara teaches that the material may further be encrypted after being coded, and then stored (column 4, lines 60-62), Lake et al. teaches that the information may be encrypted and stored upon incoming; Feinberg does not disclose an encryption process. Kara and Lake et al. do not explicitly detail that the storage corresponding to

the identification number. Whereas, Schoenberg discloses implicitly that the material has many levels of security (column 5, lines 10-18) corresponding to the particular patient and their identification, therefore it would have been obvious to one skilled in the art at the time the invention was made that the encrypted information is stored with respect to the identification of the patient according to the Schoenberg teachings.

Regarding claims 14 and 34, Kara teaches that a user may interface with a computer system thereby browsing the patient's emergency information (column 5, lines 34-40), Lake et al. teaches the use of a password to interface the information (column 8, lines 10-14), Feinberg teaches password protection (column 6, lines 38-42), but none explicitly disclose the use of a identification and authentication password combination. Whereas, Schoenberg teaches the use of many levels of security including a double password system as is shown in the table on bottom of column 6.

Regarding claims 16 and 36, Kara discloses that all material can be encrypted for additional security (column 4, lines 60-62), but does not explicitly disclose the ability to decrypt the information. Whereas, Lake et al. discloses the ability to identify the facsimile transmission as confidential and automatically encrypt the information and later decrypt the information; further, it allows the document to be viewed on a visual display unit by an authorized recipient. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow for the feature disclosed by Lake et al. in the system disclosed by Kara, thereby allowing for viewing by an authorized recipient.

Regarding claim 42, Kara, Lake et al. and Feinberg do not disclose the ability to include a payment information within their systems, whereas, Schoenberg allows payment information of

said patient to be included within a designated field selected by the patient during the generate hierarchical categories step 204, figure 2.

Regarding claim 43, Kara, Lake et al. and Feinberg do not disclose the ability to remove any patient information within their systems, whereas, Schoenberg during the generate hierarchical categories of figure 2, step 204, that when the patient is allowed to change fields, therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow for removal or change of fields in the Kara system as disclosed by Schoenberg (column 4, lines 52-65) on a transmission or facsimile processing form.

Regarding claim 44, Kara, Lake et al., Feinberg (column 6, lines 38-42) and Schoenberg (column 6, lines 26-30) disclose the ability to include an identification number or name, a password and an access code.

Regarding claim 45, Kara and Feinberg teach the ability of the doctor or medical professional to access the patient information, but do not explicitly disclose that the doctor must input any special access information. Lake et al. discloses a barcode facsimile system, but does not disclose any medical information. Whereas, Schoenberg (column 4, lines 8-10) teaches the ability to have doctor access information comprising an identification number, or name and an access code.

Regarding claim 46, Kara, and Feinberg, teach the ability of the doctor or medical professional to access the patient information, but do not explicitly disclose that the doctor must input any special access information. Lake et al. discloses a barcode facsimile system, but does not disclose any medical information. Whereas, Schoenberg teaches the ability, wherein, said

medical records are accessible to said doctor upon said doctor entering said access code (column 4, lines 8-10).

Regarding claim 47, Kara allows for added security, but does not disclose the ability to have the patient access include a password. Lake et al., Feinberg, and Schoenberg disclose said patient access information further comprises a password.

Regarding claim 48, Kara, Lake et al. and Feinberg do not disclose the ability to remove any patient information within their systems, whereas, Schoenberg during the generate hierarchical categories of figure 2, step 204, that when the patient is allowed to change fields, and to do so must include access information including a password. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to allow for removal or change of fields in the Kara system as disclosed by Schoenberg (column 6, lines 26-47) on a transmission or facsimile processing form.

Regarding claim 49, Kara, Lake et al., and Feinberg, do not explicitly disclose the ability to have any access information to be hidden so that can not be changed except by patient. Whereas, Schoenberg teaches that only the patient may change or access the user identification, user name and/ password (column 5, lines 27-33).

Regarding claim 50, Kara, disclose a system that allows for security encryption, but does not specify the use of a fax coversheet or the ability to remove the information in any fashion from the same. Whereas, Lake et al. discloses a fax coversheet with coded information, which allows for barcoded information to be in the form of a peel-off sheet or label (column 8, lines 23-26). Therefore, it would have been obvious to one skilled in the art at the time the inventions was made to include label of Lake et al. in the system disclosed by Kara thereby allowing a fax

coversheet with an added security feature, which can be scratched off or removed from the facsimile sheet if required.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ross, Jr. et al. U.S. Patent 5,823,948 the system allows for automatic incorporation of dictionary text, medical record text, prephrased text, etc. Serinken U.S. Patent 5,905,801 a method is provided for transmitting and/or receiving files via a facsimile machine or computer fax modem. Reber et al. U.S. Patent 5,969,324 an accounting system that includes a point of sale terminal to print a transaction receipt having a non-predictable barcode and human-readable transaction information based upon the transaction data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L Jones whose telephone number is (703) 305-4675. The examiner can normally be reached on Monday - Friday (7:00am - 3:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

dlj

  
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